



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 23, 2015

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House Resolution 21 - Introduced

HOUSE RESOLUTION NO. 21

BY GASKILL, OLSON, SMITH, HUNTER, STECKMAN,
ABDUL-SAMAD, BERRY, KEARNS, OURTH, T. TAYLOR,
ANDERSON, BEARINGER, FINKENAUER, H. MILLER, THEDE,
HANSON, PRICHARD, STUTSMAN, MASCHER, LENSING,
GAINES, COHOON, BROWN-POWERS, KELLEY, FORBES,
STAED, WOLFE, HEDDENS, HALL, WINCKLER, GASSMAN,
JACOBY, and DAWSON

1 A Resolution urging the United States Postal Service
2 to ensure the postmarking of all absentee ballot
3 materials mailed through the postal service.

4 WHEREAS, voting is a fundamental right protective
5 of all other constitutionally guaranteed rights, and
6 all levels of government must protect the fundamental
7 constitutional right of every American to vote to
8 ensure that the Constitution's promise is fully
9 realized; and

10 WHEREAS, the expansion of voting rights did not
11 happen overnight, but was instead the product of a
12 continued struggle by many people over many decades to
13 expand the electorate to include individuals who did
14 not own property, women, people of color, and young
15 adults who had previously been denied participation in
16 the electoral franchise; and

17 WHEREAS, in the 2012 presidential election 679,118
18 Iowans, totaling 43 percent of all Iowa voters, cast
19 their votes by absentee ballot; and

20 WHEREAS, in the 2014 gubernatorial election 469,185
21 Iowans, totaling 41 percent of all Iowa voters, cast
22 their votes by absentee ballot; and



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1 WHEREAS, county commissioners of elections in Iowa
2 regularly receive hundreds of absentee ballots through
3 the United States Postal Service during each regular
4 school, regular city, primary, and general election in
5 return envelopes that are not postmarked by the United
6 States Postal Service; and

7 WHEREAS, on October 30, 2014, Senator Chuck Grassley
8 (R-IA) and Senator Tom Harkin (D-IA) cosigned a letter
9 to United States Postal Service district managers
10 to "respectfully request that [the Postal Service]
11 instruct your staff across the states to take the
12 actions necessary to ensure that every ballot is
13 postmarked and thus ensure that every Iowa vote that is
14 properly cast can also be properly counted"; and

15 WHEREAS, despite repeated requests by Iowa's state
16 and federal elected officials to seek administrative
17 solutions to provide for the postmarking of every Iowa
18 absentee ballot, such requests have not resulted in
19 uniform compliance across Iowa's 99 counties; and

20 WHEREAS, postal service has been a vital buttress of
21 American democracy since our country's founding when
22 Benjamin Franklin served under the Continental Congress
23 as the first United States Postmaster General; NOW
24 THEREFORE,

25 BE IT RESOLVED BY THE HOUSE, That the House of
26 Representatives joins United States Senator Chuck
27 Grassley and Former United States Senator Tom Harkin in
28 respectfully requesting that the United States Postal
29 Service instruct all its staff to take the actions
30 necessary to ensure that every ballot returned through

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1 the United States Postal Service for every election in
2 this state is postmarked, thereby ensuring that each
3 Iowa vote that is properly cast can also be properly
4 counted; and

5 BE IT FURTHER RESOLVED, That the House of
6 Representatives respectfully requests that the
7 Secretary of State consult with the Postmaster General
8 of the United States, the District Manager of the
9 Hawkeye District of the United States Postal Service,
10 and the District Manager of the Central Plains District
11 of the United States Postal Service to search for
12 administrative solutions to ensure that every ballot
13 returned through the United States Postal Service
14 can be and is postmarked by the United States Postal
15 Service; and

16 BE IT FURTHER RESOLVED, That the Chief Clerk of
17 the House of Representatives shall transmit certified
18 copies of this Resolution to each member of the Iowa
19 congressional delegation, the United States Postmaster
20 General, the District Manager of the Hawkeye District
21 of the United States Postal Service, and the District
22 Manager of the Central Plains District of the United
23 States Postal Service.

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House Resolution 22 - Introduced

HOUSE RESOLUTION NO. 22

BY SMITH, GASKILL, COHOON, LENSING, WINCKLER,
STUTSMAN, WOLFE, HUNTER, MASCHER, THEDE, H. MILLER,
HANSON, BERRY, BEARINGER, ANDERSON, STAED, KEARNS,
OURTH, PRICHARD, STECKMAN, RUFF, HEDDENS, DAWSON,
DUNKEL, OLDSON, WESSEL-KROESCHELL, KELLEY, FORBES,
BROWN-POWERS, MEYER, LYKAM, JACOBY, and HALL

1 A Resolution acknowledging the 150th anniversary of the
2 death of President Abraham Lincoln.

3 WHEREAS, the story of Abraham Lincoln and the
4 example of his life, including his inspiring rise from
5 humble origins to the highest office of the land and
6 his decisive leadership during the Civil War, continues
7 to bring hope and inspiration to millions of people in
8 the United States and around the world; and

9 WHEREAS, at the conclusion of the Civil War the
10 leaders of the United States decided to use the
11 life and memory of Abraham Lincoln, who had just
12 been assassinated, as a symbol of national unity and
13 forgiveness; and

14 WHEREAS, the fallen President's administration
15 organized a funeral train that would follow a
16 modified version of the pathway taken by the then
17 President-elect on his way to Washington; and

18 WHEREAS, the train's route from Washington to
19 Springfield, Illinois, traveled through both formerly
20 union and confederate states as a symbol of the
21 reunification of the country; and

22 WHEREAS, to enable as many Americans as possible
23 to pay tribute to Lincoln's memory, the funeral



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1 train's route was modified to make stops in Baltimore,
2 Philadelphia, New York City, Albany, Buffalo,
3 Cleveland, Columbus, Indianapolis, and Chicago; and
4 WHEREAS, more than 1 million mourners lined the
5 train tracks, with tens of thousands attending casket
6 viewings held at principal railroad junctions on the
7 train route; and

8 WHEREAS, Lincoln's funeral train, and his return
9 to Springfield, Illinois, are powerful symbols of the
10 desire of all Americans for peace, reconciliation, and
11 a search for sources of common inspiration to resolve
12 our social, political, and economic differences; NOW
13 THEREFORE,

14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
15 the House of Representatives acknowledges the 150th
16 anniversary of the death of President Abraham Lincoln
17 on April 15, 1865.



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House Resolution 23 - Introduced

HOUSE RESOLUTION NO. 23

BY MASCHER, LENSING, STUTSMAN, WINCKLER, T. TAYLOR,
HUNTER, GASKILL, SMITH, WESSEL-KROESCHELL, KEARNS,
RUFF, ANDERSON, HANSON, WOLFE, STAED, H. MILLER,
THEDE, BERRY, BROWN-POWERS, GAINES, KELLEY,
FORBES, JACOBY, MEYER, COHOON, LYKAM, BEARINGER,
ABDUL-SAMAD, KRESSIG, McCONKEY, STECKMAN,
FINKENAUER, RUNNING-MARQUARDT, HALL, BENNETT,
PRICHARD, HEDDENS, OLSON, BYRNES, KAUFMANN,
PAUSTIAN, DRAKE, MOORE, R. TAYLOR, DOLECHECK, and
JORGENSEN

1 A Resolution honoring Dr. Sally Mason and her
2 outstanding achievements as President of the
3 University of Iowa.

4 WHEREAS, in 2007, Dr. Mason was appointed the 20th
5 President of the University of Iowa after a remarkable
6 academic career as a researcher, professor, department
7 chair, dean, and provost at several other leading
8 Midwest universities; and

9 WHEREAS, in the following eight years, President
10 Mason has demonstrated exceptional resolve in leading
11 the University of Iowa through a devastating flood and
12 economic recession; and

13 WHEREAS, President Mason has provided national
14 leadership as a member of many prestigious
15 organizations including as Chair of the Association of
16 Public and Land-Grant Universities Board of Directors
17 and as Chair of the Big Ten Council of Presidents and
18 Chancellors; and

19 WHEREAS, President Mason has furthered the



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1 development of the University of Iowa as a world-class
2 institution through many notable achievements
3 including:

4 1. Increased enrollment to 31,387 students in 2014.

5 2. Enhanced student success as indicated by
6 increased freshman retention rates, increased
7 four-year graduation rates, and increased
8 employment-after-graduation rates.

9 3. Prioritized student access to education by
10 offering debt counseling, expanding free tutoring
11 services, implementing a six-point plan to combat
12 sexual assault, expanding partnership agreements with
13 Iowa community colleges, enhancing distant learning
14 programs, providing free summer courses through Summer
15 Hawk Tuition Grants, and implementing programs to
16 assist first-generation and under-represented students.

17 4. Reinvigorated campus infrastructure by
18 overseeing the completion of more than 25 projects
19 including a state-of-the-art learning commons, the
20 Pappajohn Biomedical Discovery Building, the College of
21 Public Health Building, and the Campus Recreation and
22 Wellness Center.

23 5. Initiated new campus construction projects
24 which are not yet completed, including the Hancher
25 Auditorium replacement, the Art Building replacement,
26 the Mary Louise Petersen Residence Hall, the Voxman
27 Music Building, and the University of Iowa Children's
28 Hospital; NOW THEREFORE,

29 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
30 the House of Representatives expresses its sincere



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1 gratitude to President Sally Mason for her years of
2 service to the University of Iowa and to the people of
3 Iowa and honors her effort, leadership, and outstanding
4 achievements in improving the University of Iowa during
5 her tenure; and
6 BE IT FURTHER RESOLVED, That a copy of this
7 Resolution be presented to University of Iowa President
8 Sally Mason.



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House Study Bill 223 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL
BY CHAIRPERSON KAUFMANN)

A BILL FOR

1 An Act relating to the use of eminent domain authority,
2 modifying and establishing related procedures, and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I

2 CONDEMNATION FOR CREATION OF A LAKE — NUMBER OF ACRES

3 Section 1. Section 6A.22, subsection 2, paragraph c,
4 subparagraph (1), subparagraph division (b), Code 2015, is
5 amended to read as follows:

6 (b) (i) For purposes of this subparagraph (1), *"number of*
7 *acres justified as necessary for a surface drinking water source"*
8 means according to guidelines of the United States natural
9 resource conservation service and according to analyses of
10 surface drinking water capacity needs conducted by one or more
11 registered professional engineers. However, the determination
12 of surface drinking water capacity needs shall be limited to
13 the needs of the population of the county where the lake is to
14 be developed or created, according to the most recent federal
15 decennial census.

16 (ii) For condemnation proceedings for which the application
17 for condemnation pursuant to section 6B.3 was filed on or
18 after July 1, 2012, and on or before January 1, 2015, "number
19 of acres justified as necessary for a surface drinking water
20 source", as determined under subparagraph subdivision (i)
21 shall not exceed the number of acres that would be necessary
22 to provide the amount of drinking water consumed in the most
23 recently completed calendar year prior to the date on which the
24 application was filed in the county where the lake is to be
25 developed or created.

26 Sec. 2. EFFECTIVE UPON ENACTMENT. This division of this
27 Act, being deemed of immediate importance, takes effect upon
28 enactment.

29 DIVISION II

30 CONDEMNATION FOR CREATION OF A LAKE — EXISTING SOURCES

31 Sec. 3. Section 6A.22, subsection 2, paragraph c,
32 subparagraph (1), subparagraph division (a), unnumbered
33 paragraph 1, Code 2015, is amended to read as follows:

34 If private property is to be condemned for development
35 or creation of a lake, only that number of acres justified

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1 as necessary for a surface drinking water source, and not
2 otherwise acquired, may be condemned. ~~In addition~~ However,
3 an acquiring agency shall not have the authority to condemn
4 private property for creation of a lake as a surface drinking
5 water source if an existing drinking water source may be
6 expanded or supplemented for such purpose, regardless of cost.
7 If an existing drinking water source is incapable of being
8 expanded or supplemented as a surface drinking water source,
9 the acquiring agency shall conduct a review of prudent and
10 feasible alternatives to provision of a drinking water source
11 prior to making a determination that such lake development or
12 creation is reasonable and necessary. Development or creation
13 of a lake as a surface drinking water source includes all of
14 the following:

15 Sec. 4. EFFECTIVE UPON ENACTMENT. This division of this
16 Act, being deemed of immediate importance, takes effect upon
17 enactment.

18 Sec. 5. APPLICABILITY. This division of this Act applies to
19 projects or condemnation proceedings pending or commenced on or
20 after the effective date of this division of this Act.

DIVISION III

DISPLACED PERSONS

23 Sec. 6. Section 6B.42, subsection 1, paragraph a, Code 2015,
24 is amended to read as follows:

25 a. The acquiring agency shall provide to the person,
26 in addition to any other sums of money in payment of just
27 compensation, the payments and assistance required by law, in
28 accordance with chapter 316, as if the acquiring agency were a
29 displacing agency under that chapter, regardless of whether the
30 acquiring agency is subject to the federal Uniform Relocation
31 Act and regardless of whether the acquiring agency has received
32 or will receive federal financial assistance, as defined in
33 section 316.1.

34 Sec. 7. Section 6B.42, subsection 2, paragraph a, Code 2015,
35 is amended to read as follows:

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1 a. A utility or railroad subject to section 327C.2, or
2 chapters 476, 478, 479, 479A, and 479B, authorized by law to
3 acquire property by condemnation, which acquires the property
4 of a person or displaces a person for a program or project
5 ~~which has received or will receive federal financial assistance~~
6 ~~as defined in section 316.1~~, shall provide to the person,
7 in addition to any other sums of money in payment of just
8 compensation, the payments and assistance required by law, in
9 accordance with chapter 316, regardless of whether the utility
10 or railroad is subject to the federal Uniform Relocation Act
11 and regardless of whether the utility or railroad has received
12 or will receive federal financial assistance, as defined in
13 section 316.1.

14 Sec. 8. EFFECTIVE UPON ENACTMENT. This division of this
15 Act, being deemed of immediate importance, takes effect upon
16 enactment.

17 Sec. 9. APPLICABILITY. This division of this Act applies to
18 projects or condemnation proceedings pending or commenced on or
19 after the effective date of this Act.

20 DIVISION IV

21 DISPOSITION OF CONDEMNED PROPERTY

22 Sec. 10. Section 6B.56, subsection 4, Code 2015, is amended
23 to read as follows:

24 4. The provisions of this section do not apply to the sale
25 of unused right-of-way property as provided in chapter 306 or
26 to property that is subject to the disposition of property
27 requirements under section 6B.56B.

28 Sec. 11. Section 6B.56A, subsection 1, Code 2015, is amended
29 to read as follows:

30 1. When ~~five~~ two years have elapsed since property was
31 condemned and the property has not been used for the purpose
32 stated in the application filed pursuant to section 6B.3, and
33 the acquiring agency has not taken action to dispose of the
34 property pursuant to section 6B.56, the acquiring agency shall,
35 within sixty days, adopt a resolution reaffirming the purpose

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1 for which the property will be used or offering the property
2 for sale to the prior owner at a price as provided in section
3 6B.56. If the resolution adopted approves an offer of sale to
4 the prior owner, the offer shall be made in writing and mailed
5 by certified mail to the prior owner. The prior owner has one
6 hundred eighty days after the offer is mailed to purchase the
7 property from the acquiring agency.

8 Sec. 12. Section 6B.56A, subsection 4, Code 2015, is amended
9 to read as follows:

10 4. This section does not apply to property acquired for
11 street and highway projects undertaken by the state, a county,
12 or a city or to property that is subject to the disposition of
13 property requirements under section 6B.56B.

14 Sec. 13. NEW SECTION. **6B.56B Disposition of condemned**
15 **property — lake creation.**

16 1. If property was condemned according to the requirements
17 of section 6A.22, subsection 2, paragraph "c", subparagraph
18 (1), for the creation of a lake, and the acquiring agency seeks
19 to dispose of all or a portion of such property, regardless of
20 whether the property has been used for the purpose stated in
21 the application filed pursuant to section 6B.3, the acquiring
22 agency shall first offer such property for sale to the prior
23 owner of the condemned property as provided in this section.
24 For purposes of this section, the prior owner of the real
25 property includes the successor in interest of the real
26 property.

27 2. a. Before the real property described in subsection 1
28 may be offered for sale to the general public, the acquiring
29 agency shall notify the prior owner of such real property in
30 writing of the acquiring agency's intent to dispose of the real
31 property, of the current appraised value of the real property
32 to be offered for sale, and of the prior owner's right to
33 purchase the real property to be offered for sale within sixty
34 days from the date the notice is served at a price equal to the
35 current appraised value of the real property to be offered for

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1 sale or the fair market value of the property to be offered for
2 sale at the time it was acquired by the acquiring agency from
3 the prior owner plus cleanup costs incurred by the acquiring
4 agency, whichever is less. However, the current appraised
5 value of the real property to be offered for sale shall be the
6 purchase price to be paid by the previous owner if any other
7 amount would result in a loss of federal funding for projects
8 funded in whole or in part with federal funds. The notice sent
9 by the acquiring agency as provided in this subsection shall
10 be filed with the office of the recorder in the county in which
11 the real property is located.

12 **b.** For purposes of this subsection, "*cleanup costs*" means
13 costs incurred to abate a nuisance or a public nuisance as
14 those terms are defined in chapters 657 and 657A and costs
15 incurred to recycle and remediate land pursuant to chapter
16 455H.

17 **3.** If the prior owner elects to purchase the real property
18 at the price established in subsection 2, before the expiration
19 of the sixty-day period, the prior owner shall notify the
20 acquiring agency in writing of this intention and file a copy
21 of this notice with the office of the recorder in the county in
22 which the real property is located.

23 **Sec. 14. EFFECTIVE UPON ENACTMENT.** This division of this
24 Act, being deemed of immediate importance, takes effect upon
25 enactment.

26 **Sec. 15. APPLICABILITY.** This division of this Act applies
27 to projects or condemnation proceedings pending or commenced on
28 or after the effective date of this division of this Act.

29 **EXPLANATION**

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to the use of eminent domain authority and
33 modifying and establishing related procedures.

34 Division I of the bill amends provisions of Code section
35 6A.22, relating to the use of condemnation for creation of

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1 a lake for drinking water needs. The bill provides that
2 for purposes of determining the number of acres justified
3 as necessary for a surface drinking water source, the
4 determination of surface drinking water capacity needs shall
5 be limited to the needs of the population of the county where
6 the lake is to be developed or created, according to the most
7 recent federal decennial census. The bill also provides
8 that for condemnation proceedings for which the application
9 for condemnation was filed on or after July 1, 2012, and on
10 or before January 1, 2015, the number of acres justified
11 as necessary for a surface drinking water source shall not
12 exceed the number of acres that would be necessary to provide
13 the amount of drinking water consumed in the most recently
14 completed calendar year prior to filing the application, in the
15 county where the lake is to be developed or created.

16 Division I of the bill takes effect upon enactment.

17 Current Code section 6A.22(2)(c)(1) authorizes the use of
18 eminent domain for development or creation of a lake and limits
19 that authority based on the need for surface drinking water.
20 Division II of the bill prohibits an acquiring agency from
21 condemning private property for creation of a lake as a surface
22 drinking water source if an existing drinking water source may
23 be expanded or supplemented for such purpose, regardless of
24 cost.

25 Division II of the bill takes effect upon enactment and
26 applies to projects or condemnation proceedings pending or
27 commenced on or after the effective date of the division.

28 Current Code section 6B.42 requires an acquiring agency and
29 certain utilities and railroads to provide to the condemnee,
30 in addition to any other sums of money in payment of just
31 compensation, the payments and assistance required by law,
32 in accordance with Code chapter 316, as if the acquiring
33 agency were a displacing agency under that Code chapter.
34 Code chapter 316 provides for certain relocation assistance
35 and relocation payments for displaced persons resulting from

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1 federally assisted programs or projects. Division III of the
2 bill amends Code section 6B.42 to provide that the relocation
3 assistance and relocation payments for displaced persons must
4 be provided by an acquiring agency, utility, or railroad,
5 regardless of whether such entity is subject to the federal
6 Uniform Relocation Act and regardless of whether the entity is
7 receiving federal financial assistance.

8 Division III of the bill takes effect upon enactment and
9 applies to projects or condemnation proceedings pending or
10 commenced on or after the effective date of division III of the
11 bill.

12 Division IV of the bill enacts new Code section 6B.56B, which
13 provides that if property was condemned for the creation of
14 a lake and the acquiring agency seeks to dispose of all or a
15 portion of such property, regardless of whether the property
16 has been used for the purpose stated in the condemnation
17 application, the acquiring agency shall first offer such
18 property for sale to the prior owner of the condemned property.
19 The bill specifies that notice that must be provided to the
20 prior owner before such property may be offered for sale to the
21 general public. The bill also specifies the price at which the
22 prior owner may purchase such property and the procedures to be
23 followed if the prior owner elects to purchase the property.

24 Division IV also specifies that current Code sections 6B.56
25 and 6B.56A, relating to the disposition of condemned property,
26 do not apply to property condemned under Code section 6A.22 for
27 the creation of a lake.

28 Current Code section 6B.56A provides that when five years
29 have elapsed since property was condemned and the property
30 has not been used for the purpose stated in the application
31 and the acquiring agency has not taken action to dispose of
32 the property pursuant to Code section 6B.56, the acquiring
33 agency shall, within 60 days, adopt a resolution reaffirming
34 the purpose for which the property will be used or offering
35 the property for sale to the prior owner. The bill changes

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1 the period of time for such disposition from five years to two
2 years.

3 Division IV of the bill takes effect upon enactment and
4 applies to projects or condemnation proceedings pending or
5 commenced on or after the effective date of division IV of the
6 bill.



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Senate Resolution 20 - Introduced

SENATE RESOLUTION NO. 20

BY HART

1 A Resolution requesting the legislative council
2 to establish a legislative interim committee on
3 beverage container recycling efforts.

4 WHEREAS, the law governing control of beverage
5 containers, known as the bottle bill, was first passed
6 by the general assembly in 1979; and

7 WHEREAS, the bottle bill, codified in Iowa Code
8 chapter 455C, has succeeded in encouraging recycling
9 and preventing litter, and enjoys broad support among
10 the people of this state; and

11 WHEREAS, the bottle bill depends on the efforts and
12 cooperation of consumers, retailers, distributors, and
13 redemption centers; and

14 WHEREAS, the handling fee paid to retailers and
15 redemption centers has remained the same over the
16 life of the bottle bill while operation costs have
17 increased; and

18 WHEREAS, many new beverage containers have been
19 introduced into the marketplace since the enactment of
20 the bottle bill; and

21 WHEREAS, a review of the bottle bill should be
22 conducted to maintain and enhance the effectiveness of
23 the goals of the bottle bill; and

24 WHEREAS, the review of the bottle bill should
25 include but not be limited to input from all
26 interested parties regarding deposits, handling fees,
27 government oversight and involvement, and unreturned
28 containers; NOW THEREFORE,

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1 BE IT RESOLVED BY THE SENATE, That the legislative
2 council is requested to establish a legislative
3 interim study committee on beverage container recycling
4 efforts for the 2015 interim to review beverage
5 container recycling efforts in this state and make
6 recommendations and file a final report with the
7 general assembly.